

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

LEAH BANKS

PLAINTIFF

V.

No. 3:21-CV-00018-LPR-JTR

KEITH BOWERS, Administrator, Craighead
County Detention Center

DEFENDANT

RECOMMENDED DISPOSITION

The following Recommended Disposition has been sent to United States District Judge Lee P. Rudofsky. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the date of this Recommendation. If you do not file objections, Judge Rudofsky can adopt this Recommendation without independently reviewing all of the evidence in the record. By not objecting, you may waive the right to appeal questions of fact.

I. Discussion

On June 2, 2021, the Court mailed Plaintiff Leah Banks (“Banks”) an Order granting her Application to Proceed *In Forma Pauperis* (*Doc. 5*), at her address of record, the Craighead County Detention Center (“CCDC”). The mailing was returned to the Court on June 17, 2021, stamped “Return to Sender,” with the handwritten notation “Not in Jail.” *Doc. 8*.

Shortly after Banks initiated this action, the Court notified her of her obligation, under Local Rule 5.5(c)(2), to maintain a valid mailing address with the Clerk. *Doc. 3.* However, after her discharge from the CCDC, Banks has failed to notify the Clerk of her new address.

On June 21, 2021, the Court sent an Order to Banks advising her that, if she wished to continue pursuing this lawsuit, she must file a notice of her current mailing address, within thirty (30) days of the date of the Order. *Doc. 9.*¹ Importantly, the Court cautioned Banks that if she failed to timely and properly comply with the Order, her case could be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2). *Id.* Like the earlier papers mailed to Banks, this Order was also returned undelivered. *Doc. 11.*

As of the date of this Recommendation, Banks has not complied with the Court's June 21, 2021 Order, and the time to do so has expired. Accordingly, the Court recommends that an Order be entered, dismissing this action, without prejudice.

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's case be DISMISSED, WITHOUT PREJUDICE, due to a

¹This Order was also sent to the CCDC, which is the only address the Court has for Banks.

lack of prosecution.

2. The Court CERTIFY, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from any Order adopting this Recommendation would not be taken in good faith.

DATED this 26th day of July, 2021.



UNITED STATES MAGISTRATE JUDGE